

REMARKS

Claims 8 and 10 have been canceled without prejudice or disclaimer as being drawn to a non-elected invention. Applicant reserves the right to pursue these claims or claims of similar scope or alternative claims supported by the patent specification in one or more continuing or divisional applications.

As discussed at the interview, claims 1, 5, 6, and 9 remain in the application, and should be in condition for allowance without further amendment as the cited references lack recited features of claim 1.

Independent claim 1 is drawn to a sales system used at gas pump which allows a person to pay a fixed amount of money which will cover a variable amount of products (e.g., option items such as gum and cigarettes) and a variable amount of gas. For example, when a person puts in \$20 and chooses to get a pack of gum (for exemplary purposes \$1 for gum), he or she gets the gum and \$19 worth of gas. However, when the person puts in \$20 and chooses the gum and cigarettes (for exemplary purposes \$3 for cigarettes) he gets the gum, the cigarettes and \$16 worth of gas. Furthermore, the invention only displays option items for selection that are less than the fixed amount (e.g., if \$10 is selected, an option item such as \$15 for a deluxe wash (or any other item over \$10) is not displayed).

During the interview, the above synopsis of the sales system and its operation was discussed in conjunction with Figure 2 of the application. In particular, menu B shows the choice of various fixed amounts of money, menu D shows the presentation of various option items which cost less than the fixed amount selected, and menu E shows displaying a difference between said one fixed amount selection and any option item amounts for option items to be purchased (this feature not being shown in any references of record).

Clam 1 reads as follows (underlines added for emphasis):

1. A fixed amount sales system associated with a gasoline stand, comprising:
 - a point of sales (POS) terminal;
 - a display associated with the POS terminal;

wherein said display displays a plurality of fixed amount selections for fuel,

wherein said POS terminal is used to select one fixed amount selection from said plurality of fixed amount selections for fuel,

wherein said display, after selection of said one fixed amount selection is made with said POS terminal, selectively displays one or more option items to be purchased, each option item being associated with an option item amount, each option item displayed having an option item amount which is less than said one fixed amount selection made with said POS terminal, and upon selection of one or more option items displays as a balance amount

a difference between said one fixed amount selection and any option item amounts for option items to be purchased, and

wherein said POS terminal permits fueling at said gasoline stand in an amount equal to said balance amount.

In short, the person fueling his or her car does not need to manage the pump to only fuel a certain amount or calculate the cost of items plus tax. Rather, all he or she needs to do is put in a fixed amount, pick any option items they want, and fuel automatically to the dollar amount after the options are covered. The customer is not provided with “change”, and does not need to have transaction histories tracked using a “transponder”.

Claims 1, 5, 6, and 9 were rejected as being obvious over U.S. Patent Publication 2001/0020198 to Wilson in view of Japanese Patent Application JP 10-324398 to Kazumi. This rejection is traversed.

As discussed during the Interview, Wilson describes a fuel dispensing system for cash customers. As discussed in the abstract, a mechanism for handling customer “change” as it relates to “related information” is provided. In short, as explained in the abstract a “credit for change” based on the cash transaction is accounted for in Wilson.

The office action references paragraph [0121] of Wilson. It is noted that paragraph [0121] relates to Figures 11D and 11E (see paragraph [0118]) which

exemplifies a process where a prepaid transponder is used. That is, this paragraph relates to a feature where the transponder has a value (see paragraph [0119]), and the value of the transaction is monitored so that the transponder value is not exceeded (see paragraph [0121]). Thus, it should be understood that even if the customer pays cash, this cash amount is added to the transponder, and the transponder is used to make the purchases. Furthermore, Wilson provides no mechanism to assure that the amount of fuel provided varies depending on (1) the amount of money provided, and (2) the cost of optional items purchased. Paragraph [0122] describes the use of cash to add value to the transponder.

In short, Wilson provides a system where a cash customer adds value to a transponder. The customer pumps gas and/or buys optional items. Once his tank is full or he or she stops pumping, the amount of money remaining is credited to the transponder so that it can be used at some point in the future. Wilson describes the use of transponder systems (hand held or vehicle mounted (see paragraph [0127])) which allow the transmission of information from a customer to a controller. This information may be used to control the types of purchases being made, etc. Further, Wilson provides a way to use the transponder in conjunction with cash payments.

JP 10-324398 to Kazumi describes a system which, like Wilson, requires the customer to have a memory device. In Kazumi, the customer goes to a filling station and, for example, puts in \$20. If his car needs only \$19 worth of fuel to be full, the pump stops automatically and the extra \$1 is credited onto the memory device (see Abstract-“the saved amount of money of this customer is updated to be the difference between the sold [mount] of money for gasoline actually refuelled and the total of the saved amount of money of this customer and the amount of money specified by this customer”). Presumably, the saved amount can be used at a later time.

In short, Kazumi provides a system where the customer can use cash in fixed amounts, and can perform fueling “without causing damage to a gas station” (see abstract).

Wilson and Kazumi both allow the use of cash. However, both systems require the use of a memory device (transponder, etc.) for tracking overages, etc. Further, neither device allows the user to select a variable number of items and get

a variable amount of gas based on his selection of items. During the interview, it was noted that Wilson allows one to select items other than gas. However, it was noted that, in Wilson, if no change was to be provided (or credited to the transponder), the user would need to select the items and precisely pump the gas to a level which exactly zeroed out the balance of the cash added to the transponder. It was noted that Wilson does not show displaying as a balance amount

a difference between said one fixed amount selection and any option item amounts for option items to be purchased,
and Wilson does not have the

POS terminal permit fueling at said gasoline stand in an amount equal to said balance amount.

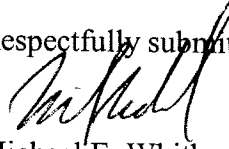
Rather, Wilson allows items to be selected and allows the costs to be deducted from the transponder. In Wilson permits using cash to add to the transponder. But Wilson does not show a system where the user puts in a fixed amount of cash, and is able to make a variable amount of option choices (with the upper limit being less than the fixed amount of cash), and where a display shows the balance amount which is then provided as fuel to the customer.

The invention allows anybody to use a fixed amount of cash to pay for gas and other items. There is no requirement for a transponder or memory device (e.g., no registration, no providing of information about a customer, no requirement on the customer to keep track of a device which communicates and/or holds information). The invention allows the selections of optional items available to a customer to vary depending on the fixed amount he or she has provided. In short, the invention provides a simplified system which does not require the customer to carry a device and does not require the customer to precisely track the amount of gas or the amount of purchases he is making (as this is done automatically).

In view of the above, claims 1, 5, 6, and 9 should be in immediate condition for allowance. Reconsideration and allowance at an early date is requested.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Whitham", is written over the typed name.

Michael E. Whitham

Reg. No. 32,635

Whitham, Curtis, Christofferson & Cook, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190

Tel. (703) 787-9400
Fax. (703) 787-7557

Customer No.: 30743